EXHIBIT 1

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

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WAYMO LLC,

     Plaintiff,

vs.   No. 3:17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;
OTTOMOTTO LLC; OTTO TRUCKING,
INC.,

     Defendants.
_____/

WAYMO HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF DON BURNETTE

SAN FRANCISCO, CALIFORNIA

FRIDAY, AUGUST 18, 2017

BY: ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~

CSR LICENSE NO. 9830

JOB NO. 2681032

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 1          Have you not worked on planner software at      10:26

 2  Uber?                                                   10:26

 3      A   I haven't written any software at Uber.         10:26

 4      Q   And obviously, you -- you took some steps to    10:26

 5  make sure that whatever planner software you were       10:26

 6  working on at Otto wouldn't use any of the              10:26

 7  confidential Waymo information; right?                  10:26

 8      A   Yes.                                            10:26

 9      Q   And so what -- when you were at Otto and when   10:26

10  you were writing planner software there, what -- what   10:26

11  aspects of what you had being working on at Waymo did   10:26

12  you consider to be off limits to use at Ottomoto, and   10:26

13  what portions did you consider to be something that     10:26

14  had already been known and, therefore, was something    10:26

15  you could use?                                          10:26

16          MS. HARTNETT:  Objection.                       10:26

17          MR. LIN:  Objection; form.                      10:26

18          THE WITNESS:  So I don't -- like, none of the   10:26

19  code or concepts were taken from Waymo.                 10:26

20          And we pretty much went to the drawing board    10:27

21  and said, How should we create this, based on what      10:27

22  we've seen in the industry, what people are -- people   10:27

23  are working on?  What's in the academic research?       10:27

24          What we know about kind of good and -- good     10:27

25  and bad software practices.  Like, how can we kind      10:27
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 1   two levels.                                          10:28

 2           One, it's different because we wrote it from  10:28

 3   scratch, and it's going to be different out of the   10:28

 4   fact that the chances of replicating software from   10:28

 5   scratch being the same is very unlikely.             10:28

 6           And two, we decided that the -- the          10:28

 7   concept -- the fundamental concept that █████████ at 10:28

 8   Waymo was built on was not something we wanted to    10:28

 9   pursue.                                              10:28

10           And technically, what that meant was, I      10:28

11   previously described Waymo's ████████████████  ████

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██   █████████████████████                              10:29

25        ████████████████  ████████████████████       10:29
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   █████████████████ 10:29

8   And thus, all the building blocks of the   10:30

9   decisions, ██████████████████████████, are   10:30

10 all completely differently formulated mathematically, 10:30

11 and thus in code, to enable this type of trajectory   10:30

12 to -- to be solved, in a -- in a sense, to be   10:30

13 deter- -- to -- to be determined.   10:30

14   So -- so it's, like, kind of a fundamentally   10:30

15 different idea that we started with at Otto than what 10:30

16 Waymo was doing, in the sense that they're both   10:30

17 ████████.   They both output some path to follow at the 10:30

18 end of the -- the step.   10:30

19   But the way we describe that path, and all   10:30

20 the building blocks and machinery that go into   10:30

21 generating the path, were different.   10:30

22   Q   What -- what language is the Otto planner   10:30

23 written in?   10:30

24   A   C++.   10:30

25   Q   What language was the Waymo planner written   10:30

CERTIFICATE OF REPORTER

1

2

3   I, ANDREA M. IGNACIO, hereby certify that the

4 witness in the foregoing deposition was by me duly

5 sworn to tell the truth, the whole truth, and nothing

6 but the truth in the within-entitled cause;

       That said deposition was taken in shorthand

7 by me, a disinterested person, at the time and place

8 therein stated, and that the testimony of the said

9 witness was thereafter reduced to typewriting, by

computer, under my direction and supervision;

10   That before completion of the deposition,

11 review of the transcript [x] was [ ] was not

12 requested. If requested, any changes made by the

13 deponent (and provided to the reporter) during the

period allowed are appended hereto.

14   I further certify that I am not of counsel or

15 attorney for either or any of the parties to the said

16 deposition, nor in any way interested in the event of

17 this cause, and that I am not related to any of the

18 parties thereto.

19 Dated: August 18, 2017

20

21

22

23   _____

24   ANDREA M. IGNACIO,

25   RPR, CRR, CCRR, CLR, CSR No. 9830

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